

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL :
INDUSTRY AVERAGE WHOLESALE:
PRICE LITIGATION :
: MDL DOCKET NO.
-----: CIVIL ACTION #
THIS DOCUMENT RELATES TO: : 01CV12257-PBS
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ALL ACTIONS :
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Oral deposition of GARY

BISHOP, taken pursuant to notice, at the Four
Points Sheraton, 3400 Airport Road, Room 235,
Allentown, Pennsylvania 18109, on Wednesday,
July 27th, 2005, beginning at approximately
8:00 a.m., before David Walsh, Registered
Professional Reporter and Notary Public, there
being present:

1 organization, and then it was passed up
2 through the management chain.

3 So, I would send my grant application to
4 my district manager and then the district
5 manager would pass it up through the chain of
6 command.

7 Q. And your district manager for that time
8 period?

9 A. Fern Bouthot.

10 Q. And preceptorships, what kind of limits
11 or rules were involved with preceptorships in
12 the '90's?

13 A. There were limits and rules based on
14 number per, number per specialty, number per
15 year, number per physician, and that's -- I
16 don't remember what the specifics numbers
17 were, like number per year, but I do remember
18 that there were limitations.

19 Q. Samples and free drugs, is that
20 something that you provided to your primary
21 care physicians?

22 A. Yes, yes. In the '90's, I used samples

1 as a primary care rep. I have not had samples
2 as an oncology representative.

3 Q. Would you provide any free samples to
4 any of the pharmacies that you called on?

5 A. No.

6 Q. For any of your primary care physicians,
7 did you provide any information regarding the
8 profitability of any of Schering-Plough
9 products?

10 A. No, I did not.

11 Q. Did you provide any information to
12 pharmacies regarding profitability of the sale
13 of Schering-Plough products?

14 A. No, I did not.

15 Q. Were you ever provided any information,
16 detail aids of any kind from Schering-Plough
17 to provide information to either physicians or
18 pharmacies concerning the profitability of the
19 use and sale of Schering-Plough products?

20 A. No, I did not.

21 Q. Have you ever been provided from
22 Schering-Plough information concerning the

1 competitive differences of AWP and spread
2 relative to reimbursement issues for any of
3 the Schering-Plough products?

4 MR. KAUFMAN: Object to the
5 form of the question. You may answer if you
6 understand the question.

7 THE WITNESS: Yeah, I do and
8 I would say I do not because while we were
9 made aware of what the prices were, we never
10 got into the issues of the spread.

11 BY MR. MCNEELY:

12 Q. Okay. Were you ever provided
13 information to show the relative profitability
14 of Schering-Plough products versus the
15 relative profitability of competitive products
16 based on spread?

17 A. No, I was not.

18 Q. Have you ever been provided information
19 to provide to your customers on the
20 profitability of Schering-Plough products
21 compared to other pharmaceutical products
22 based on reimbursement or formulary position?

1 MR. KAUFMAN: Object to the
2 form. You may answer.

3 THE WITNESS: No, I was not
4 and the formulary acceptance was not really a
5 profitable or non-profitable issue with
6 physicians.

7

8 BY MR. McNEELY:

9 Q. How about pharmacies?

10 A. No.

11 Q. Okay.

12 A. No, I didn't because retail pharmacies
13 would not and I've never had health plans that
14 I called on that were interested in spread.
15 For example, the MCAM's would call on the
16 health plan. I would never have made that
17 type of call to a health plan.

18 Q. Have you ever been present during any
19 presentation by a MCAM where spread and
20 profitability were discussed?

21 A. No, I was not.

22 Q. What were the specialties that you would

1 have been calling on for Intron-A and Eulexin?

2 A. When, in the early '90's?

3 Q. In the early '90's.

4 A. Okay. Gastroenterology for hepatitis
5 and urology for Eulexin, which was a drug for
6 prostate cancer.

7 Q. Now, I believe you described that was
8 when those drugs or at least Intron-A was
9 launched?

10 A. We launched Intron-A then for non-A,
11 non-B hepatitis.

12 Q. Okay. And what kind -- were there any
13 special promotional incentives or
14 opportunities that were offered to doctors or
15 pharmacies in connection with the Intron-A
16 launch that you have described?

17 A. No, no. There were no special
18 incentives to doctors or pharmacies.

19 Q. Were you involved in recruiting any
20 doctors for any studies or partnerships of any
21 kind or nature to utilize Intron-A?

22 A. Then for hepatitis?